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TO

Amend the Law for regulating the Admission of Law Clerks into the Profession of Solicitors in Ireland. A.D. 1894.

WHEREAS it is expedient to amend the law relating to the admission of law clerks into the profession of solicitors in Ireland :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the Attorneys and Solicitors (Ireland) Act, 1860, Amendment Act, 1894. Short title.
- 10 2. This Act shall extend to Ireland only. Extent of Act.
3. In this Act—
“Lord Chancellor” means the Lord Chancellor of Ireland, and shall include Lords Commissioners and Lord Keeper of the Great Seal of Ireland. Interpretation of terms.
- 15 “Supreme Court” means the Supreme Court of Judicature in Ireland.
- “Solicitor” means solicitor of the Supreme Court, and shall include solicitor of the late Court of Chancery in Ireland and Attorney of Her Majesty’s late courts of common law in Ireland.
- 20 “Registrar” means the registrar of solicitors.
- “The Incorporated Law Society” means the society of attorneys and solicitors of Ireland acting under the present or any future charter.
- 25 “Preliminary examination” means an examination in general knowledge of persons seeking to be admitted to the profession of solicitors in Ireland.
- “Intermediate examination” means an examination of persons seeking to be admitted as solicitors in Ireland in order to ascertain the progress made by such persons during the period

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— elapsing between the passing of their preliminary and final examination in acquiring the knowledge necessary for rendering them fit and capable to act as solicitors.

"Final examination" means an examination of persons applying to be admitted as solicitors touching the fitness and capacity 5 of such persons to act as solicitors in all business and matters usually transacted by solicitors, and includes, where any allegation is made by the registrar of solicitors as to the moral unfitness of any such person to be an officer of the Supreme Court of Judicature in Ireland, an inquiry into the truth of 10 such allegation.

"Law clerk" means a bona fide clerk to a solicitor or solicitors bona fide engaged in the transaction and performance, under the direction and superintendence of such solicitor or solicitors, of such matters of business as are usually transacted and 15 performed by solicitors.

"Preliminary certificate" shall mean a certificate to be given by the Incorporated Law Society to entitle law clerks to enter for the prescribed examination.

Admission
of law clerks
of fifteen
years ser-
vice.

4. Any person under this Act who, either before or after the *passing of this Act*, shall for the term of *fifteen years* have been a law clerk, and who shall produce to the Incorporated Law Society satisfactory evidence that he has faithfully, honestly, and diligently served as such clerk, and has been examined, paid to the Inland Revenue the duty and to the Incorporated Law Society the fees 25 mentioned in the ninth section of this Act, and sworn in the manner for the time being prescribed by the Lord Chancellor, shall be admitted, enrolled, and registered as a solicitor.

Admission
of law clerks
of seven
years ser-
vice.

5. Any person who, either before or after the *passing of this Act*, shall for the term of *seven years* have been a law clerk, and who 30 shall produce to the Incorporated Law Society satisfactory evidence that he has faithfully, honestly, and diligently served as such law clerk, and who after the expiration of the said term of seven years, and after having passed the preliminary, intermediate, and final examinations, and has paid the duties and fees mentioned in the 35 ninth section of this Act, and been sworn in the manner for the time being prescribed by the Lord Chancellor, shall be admitted, enrolled, and registered as a solicitor.

Application
by law clerk
to be ex-
amined.

6. Any law clerk desiring to be examined for the profession of solicitor under the provisions of this Act shall apply to the Incorporated Law Society stating his desire to be examined for such profession, and the section of this Act under which he seeks that such examination or examinations should be held, and shall furnish

with such application evidence that he has been a law clerk for the prescribed period; and the Incorporated Law Society shall, subject as hereafter in this section provided, issue to such law clerk a preliminary certificate, which may be in the form in the schedule to this Act, stating he is entitled to be examined accordingly, and thereupon such law clerk, upon payment of the duty thereon provided for by this Act, shall be examined under the provisions of this Act.

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The Incorporated Law Society may refuse to give such certificate upon the following grounds:

- (a.) That the applicant is not a law clerk who has been engaged for the required period;
- (b.) The moral unfitness of the applicant;

such refusal must be given in writing by the Incorporated Law Society to the applicant, and shall state the grounds upon which such refusal is based, and any applicant objecting to such refusal may apply to the Lord Chancellor in respect thereto in the manner prescribed by this Act.

Nothing in this section contained shall preclude any law clerk entitled to apply to be examined under the fourth section hereof from applying under the fifth section hereof.

7. Except as in this Act provided, the examination to which subjects of applicants for admission as solicitors under the fourth section hereof shall consist of the subjects similar to those to be prescribed for final examination under the provisions of the Attorneys and Solicitors, Ireland, Act, 1886, and, except as in this Act provided, the preliminary, intermediate, and final examinations provided by the fifth section hereof shall be the preliminary, intermediate, and final examinations for the time being prescribed by the Incorporated Law Society for examination of apprentices to solicitors bound by indentures:

Provided, however, that the Lord Chancellor, the President of the Queen's Bench Division of the High Court of Justice in Ireland, the Master of the Rolls in Ireland, or any two or more of them, of whom the Lord Chancellor shall be one, may, where under special circumstances they see fit to do, upon application to be made on petition by any person seeking to be admitted as solicitor under sections four and five hereof, exempt such person from compliance with the examinations and regulations for the time being in force relative to the respective examinations in this section prescribed, either wholly or partly, or subject to such conditions as they may deem fit.

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Incorporated
Law Society
to arrange
for exami-
nation.

Duty pay-
able.

Certificate
of passing.

Petitions in
case of
refusal of
certificate.

8. The Incorporated Law Society shall make all necessary arrangements for the holding of examinations under this Act at times similar to examinations pursuant to the provisions of the Attorneys and Solicitors, Ireland, Act, 1866.

9. The duty prescribed by sections four and five hereof shall be 5 a sum equivalent to the amount for the time being payable to the Inland Revenue upon the indentures of apprentices to solicitors, and shall be paid to the Inland Revenue upon the preliminary certificates, and the fees by the said sections provided shall be fees similar to those for the time being payable to the Incorporated Law Society by 10 apprentices bound by indentures, and shall be paid at the time of entry for such examinations or such other times subsequent thereto as the Incorporated Law Society shall prescribe.

10. The Incorporated Law Society shall give to every applicant under this Act, and who has passed the prescribed examinations, a 15 certificate of such passing; and any person who has been refused such certificate, and who objects to such refusal, shall be at liberty within one month next after such refusal to appear by petition to the Lord Chancellor against such refusal, such petition to be presented in such manner and subject to such regulations as the Lord 20 Chancellor may from time to time direct.

11. In the meantime, and until the Lord Chancellor otherwise directs, all petitions in this Act provided for shall be presented to the office of the secretary of the Lord Chancellor without payment of any fee, and a copy of such petition shall be left therewith, and 25 shall be delivered by the secretary to the Lord Chancellor to the secretary of the Incorporated Law Society, and the secretary to the Lord Chancellor shall also notify to such secretary of the Incorporated Law Society the day appointed for the hearing of the petition, and the same shall be read by the Lord Chancellor on 30 such day after the expiration of fourteen days from the day on which such petition was presented and at such time as the Lord Chancellor may appoint. On the hearing of any petition under this section the Incorporated Law Society may appear, and the Lord Chancellor may make such order as to him may seem meet, 35 and when any person who has been refused a preliminary certificate, and who has on appeal to the Lord Chancellor obtained an order therefor, such order shall entitle him to such preliminary certificate from the Incorporated Law Society, and when any person who has been refused a certificate of having passed his 40 final examination under sections four or five on appeal to the Lord Chancellor obtain an order for his admission, such order shall

entitle him to a certificate from the Incorporated Law Society of his fitness and competency to act as a solicitor and in the usual business transacted as a solicitor in the same manner as if he had passed his final examination.

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5 **12.** The Incorporated Law Society shall issue to all persons entitled to same all necessary certificates and renewal certificates pursuant to the Attorneys and Solicitors, Ireland, Act, 1866, to enable persons so entitled under this Act to from time to time obtain the necessary licence to enable them to act as solicitors.

10 **13.** The tenth section of the Attorneys and Solicitors, Ireland, Repeal Act, 1866, and such other provisions of said Act as are repugnant hereto, are hereby repealed, save that this repeal shall not affect anything done or suffered under that Act.

Certificate
and renewal
certificate.

SCHEDULE before referred to.

15 *A.B.*, of , being a law clerk engaged as such for not less than fifteen years (or "seven years," as the case may be), is entitled upon payment to the Inland Revenue of the duty prescribed by the Attorneys and Solicitors (Ireland) Act (1866), Amendment Act, 1894, and of the fees payable to the Incorporated Law Society upon his entering for examination, to be examined for the profession of solicitor in Ireland pursuant to the provisions of the fourth section (or fifth section, as the case may be) of said Act.

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To amend the Law for regulating the
Admission of Law Clerks into the
Profession of Solicitors in Ireland.

(Prepared and brought to the
Mr. Field and Mr. Lamp)

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